

**Department of Food & Agriculture**  
**TITLE 3. CALIFORNIA CODE OF REGULATIONS**  
**SECTIONS 2302 and 2303**

**Adopt Section 2302 to read:**

2302. Non-Nutritive Standards.

(a) Inorganic commercial fertilizer and agricultural mineral products shall not exceed the following standards for the non-nutrient metals arsenic, cadmium and lead:

(1) For each percent iron, manganese or zinc, the fertilizing material shall not exceed the following concentrations of non-nutrient metals: arsenic, 13 parts per million; cadmium, 12 parts per million; lead, 140 parts per million.

(2) For each percent available phosphate (P<sub>2</sub>O<sub>5</sub>), the fertilizing material shall not exceed the following concentrations of non-nutrient metals:

(A) Effective January 1, 2002 through December 31, 2002: arsenic, 4 parts per million; cadmium, 6 parts per million; lead, 20 parts per million.

(B) Effective January 1, 2003 through December 31, 2003: arsenic, 3 parts per million; cadmium, 5 parts per million; lead, 20 parts per million.

(C) Effective January 1, 2004 : arsenic, 2 parts per million; cadmium, 4 parts per million; lead, 20 parts per million.

(3) The concentration limits are applied as follows:

(A) For micronutrient materials with guaranteed available iron, manganese or zinc multiply the percentage of guaranteed micronutrient material (Minor Element) by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm). Example: A 12% Iron product will have the following limits: arsenic, 156 parts per million (13 ppm X 12); cadmium, 144 parts per million (12 ppm X 12); and lead, 1,680 parts per million (140 ppm

X 12).

(B) For phosphate (P<sub>2</sub>O<sub>5</sub>) materials multiply the guaranteed percentage of P<sub>2</sub>O<sub>5</sub> by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm). Example: from January 1, 2002 through December 31, 2002: A guaranteed available 52% (P<sub>2</sub>O<sub>5</sub>) phosphate product will have the following limits: arsenic 208 parts per million (4 ppm X 52); cadmium 312 parts per million ( 6 ppm X 52); and lead 1,040 parts per million (20 ppm X 52).

(4) For specialty fertilizers that guarantee less than 6% available phosphate (P<sub>2</sub>O<sub>5</sub>) but make no micronutrient claim, the maximum allowable concentrations of non-nutrient metals shall not exceed:

(A) Effective January 1, 2002 through December 31, 2002 specialty fertilizers shall not exceed: arsenic, 20 parts per million; cadmium, 30 parts per million; and lead, 100 parts per million.

(B) Effective January 1, 2003 through December 31, 2003 specialty fertilizers shall not exceed: arsenic, 15 parts per million; cadmium, 25 parts per million; and lead, 100 parts per million.

(C) Effective January 1, 2004 specialty fertilizers shall not exceed: arsenic, 10 parts per million; cadmium, 20 parts per million; and lead, 100 parts per million.

(5) For specialty fertilizers that guarantee less than 6% available phosphate (P<sub>2</sub>O<sub>5</sub>) and make a micronutrient claim, multiply the guaranteed percentage of micronutrient by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm) and add the following values to that total:

(A) Effective January 1, 2002 through December 31, 2002 add: arsenic, 20 parts per million; cadmium, 30 parts per million; and lead, 100 parts per million.

(B) Effective January 1, 2003 through December 31, 2003 add: arsenic, 15 parts per million; cadmium 25 parts per million; and lead 100 parts per million.

(C) Effective January 1, 2004 add: arsenic, 10 parts per million; cadmium, 20 parts per million; and lead 100 parts per million.

(6) The concentration limits are applied as follows:

(A) A guaranteed available 3% (P<sub>2</sub>O<sub>5</sub>) phosphate product with 2% guaranteed zinc will have the following limits. Example: from January 1, 2002 through December 31, 2002: arsenic, 46 parts per million (13 ppm X 2 zinc = 26 ppm + 20 ppm); cadmium, 54 parts per million (12 ppm X 2 zinc = 24 ppm + 30 ppm); and lead, 380 parts per million (140 ppm X 2 zinc = 280 ppm + 100 ppm).

(b) Waste and hazardous waste shall be defined as specified in Title 22, CCR Division 4.5, Chapter 11 – Identification and Listing of Hazardous Waste, commencing with Section 66261.1.

(c) Recyclable material used in fertilizing material manufacture shall meet all applicable requirements in the Code of Federal Regulations, Chapter 1, Title 40, Part 266, Subpart C – Recyclable Materials Used In a Manner Constituting Disposal, commencing with Section 266.20.

(d) Recyclable material used in fertilizing material manufacture shall be sampled and tested in accordance with procedures specified in Title 22, CCR, Division 4.5, Chapter 11 – Identification and Listing of Hazardous Waste, commencing with Section 66261.1.

(1) A copy of test results shall be submitted to the department for each source of recyclable material used in the manufacture of zinc, manganese or iron products utilized as a base fertilizing material ingredient. Additional test results shall not be required by the department unless the process or operation generating the recyclable material changes.

(e) No recyclable material may be used in fertilizing material manufacture if its use is denied pursuant to Title 22, CCR, Division 4.5, Chapter 16, Article 8.5 – Requirements for Management of Recyclable Materials Used in Agriculture, Section 66266.115.

(f) No recyclable hazardous waste may be used in fertilizing material manufacture unless the generator of such recyclable hazardous waste complies with Title 22, CCR, Division 4.5, Chapter

16, Article 8.5 – Requirements for Management of Recyclable Materials Used in Agriculture, commencing with Section 66266.115.

(g) By December 31, 2004, the department shall publish a report concerning results of research that evaluates the protectiveness of these regulations on both human health and the environment. Additionally, the report shall include an analysis of and recommendations for regulating cobalt, copper, mercury, molybdenum, nickel, selenium and dioxins.

Authority: Sections 407, 14502 and 14682, Food and Agriculture Code.  
Reference: Section 14682, Food and Agriculture Code.

**Amend Section 2303 to read:**

2303. Labeling Requirements.

(cont'd)

(r) The manufacturer of any base fertilizing material ingredient that claims iron, manganese, zinc or phosphates shall provide a guarantee statement that the product does not exceed standards established for arsenic, cadmium and lead.

(1) For purposes of the labeling guarantee, base fertilizing material ingredient shall be defined as phosphate, zinc, manganese, or iron products utilized as material ingredient in blended or formulated fertilizing material products. Examples of such base fertilizing material ingredients include, but are not limited to, phosphoric acid, monoammonium phosphate, diammonium phosphate, 36% zinc product, 12% iron product, 7% manganese product.

(2) The guarantee statement shall report in parts per million the maximum total concentration of arsenic, cadmium and lead in the base fertilizing material ingredient.

(s) Labels and packaged product labels for commercial fertilizer and agricultural mineral products, with the exception of gypsum, liming materials, manure, wood or coal fly ash,

sewage sludge, composted products, potting soils, potting mix, blood meal, bone meal, feather meal, kelp meal or seaweed, cottonseed meal, fish meal, sphagnum moss and seed mix shall include either an informational statement of laboratory test results or provide an informational statement providing the maximum levels of arsenic, cadmium, cobalt, copper, lead, mercury, molybdenum, nickel and selenium.

(1) In lieu of a statement on the label, the information may be provided by either of the following statements:

“Information regarding the contents and levels of metals in this product is available by calling 1-800-XXX-XXXX.”

Or

“Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.regulatory-info-xx.com>.” Each registrant shall substitute a unique alphanumeric identifier for “xx”. This statement may be used only if the licensee establishes and maintains the Internet site; there is a clearly visible, direct hyperlink to a government web site; and, the Internet site contains no advertising or company-specific information. A government web site internet address on the label is an acceptable alternative to a web site established and maintained by the licensee.

(t) Testing methodology for the informational statement of laboratory test results shall conform to either sample preparation method 3050B or 3051A and conform to analysis methods as described in US EPA Publication SW-846 (Revision 3, December 1996), which is hereby incorporated by reference.

(u) Labeling provisions in Section 2303 (r) shall be met no later than January 1, 2002. Labeling provisions in Section 2303 (s) shall be met no later than July 1, 2002 for all products entering into channels of trade.

(v) The publication of inaccurate information regarding the contents and levels of metals is a misbranding violation pursuant to Section 14681 of the Food and Agriculture Code.

Authority: Sections 407, 14502 and 14631, Food and Agriculture Code.  
Reference: Section 14631, Food and Agriculture Code.